

Appl. No. : 09/518,554  
Filed : March 3, 2000

C 3  
29. (Amended) The method of Claim 26, wherein said composition comprises greater than 35% ascorbic acid.

REMARKS

The Applicant gratefully acknowledges the telephonic interviews with the Examiner of November 5 and 6, 2001. During those interviews, the Examiner indicated that the pending claims, as amended pursuant to Applicant's October 16, 2001 Amendment After Final would be allowable, provided Claims 23 and 25 were amended as in the present amendment. Accordingly, the Examiner agreed to enter the present amendment and to bring the present application, in which Claims 23-28 and 30-45 remain pending, to issue.

The Present Amendments

Pursuant to an agreement between Applicant and the Examiner, Claims 23 and 25 have been amended to recite, *inter alia*, "at least 30% L-ascorbic acid" and "at least 30% micronized L-ascorbic acid," respectively. Claim 29 has also been amended to recite *inter alia*, "at least 35% ascorbic acid." Support for these amendments may be found, for example, in the Specification, as filed, at page 2, line 15, and page 3, line 30.

Furthermore, again pursuant to an agreement between Applicant and the Examiner, Claim 23 has been amended to recite, in the preamble, "treatment of wrinkles." This amendment is made to clarify an intended use of the method recited in Claim 23, and does not narrow the scope of the claim. Support for this amendment may be found, for example, in the Specification as filed, at page 3, lines 16-14, and 19-20.

The specific changes to the amended claims, along with the new claims, are shown on a separate Appendix provided pursuant to 37 C.F.R. § 121(c)(1)(ii). The Appendix is attached hereto and entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE, which follows the signature page of this Amendment. On this set of pages, the insertions are underlined while the [deletions are indicated by brackets].

Notwithstanding the present amendments, Applicants respectfully maintains his stated position regarding the scope of the teaching of Kalamazoo Holdings, as expressed for example, in the Amendment After Final Mailed October 16, 2001. During the course of further prosecution, Applicant intends to pursue claim scope consistent with this position.

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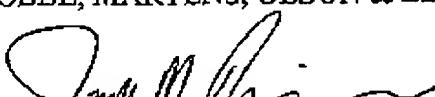
CONCLUSION

Applicant respectfully asserts that the above-captioned application, in which Claims 23-45 now remain pending, is fully in condition for allowance and gratefully acknowledge the Examiner's stated agreement to advance this case to issue. The Applicants urge the Examiner to contact the undersigned if any questions remain as to the above-captioned application. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 6, 2001

By:



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Canceled) A composition for topical use comprising greater than approximately 25% L-ascorbic acid, by weight, and a non-aqueous carrier, wherein said composition has a pH of greater than that of skin.
2. (Canceled) The composition of Claim 1, wherein said composition comprises greater than 25% micronized L-ascorbic acid by weight.
3. (Canceled) The composition of Claim 2, wherein said L-ascorbic acid has a mean particle size of no greater than approximately 5  $\mu\text{m}$ .
4. (Canceled) The composition of Claim 2, wherein said L-ascorbic acid has a mean particle size of no greater than approximately 2  $\mu\text{m}$ .
5. (Canceled) The composition of Claim 2, wherein said L-ascorbic acid has a mean particle size between approximately 0.01  $\mu\text{m}$  and 1  $\mu\text{m}$ .
6. (Canceled) The composition of Claim 1, wherein said composition comprises greater than 30% ascorbic acid.
7. (Canceled) The composition of Claim 1, wherein said composition comprises, by weight, more L-ascorbic acid than D-ascorbic acid.
8. (Canceled) The composition of Claim 1, wherein said composition comprises, by weight, more L-ascorbic acid than ascorbic acid derivatives.
9. (Canceled) The composition of Claim 1, wherein said composition is essentially free of D-ascorbic acid, and is essentially free of ascorbic acid derivatives.
10. (Canceled) The composition of Claim 1, wherein said composition has a pH of at least about 5.5.
11. (Canceled) The composition of Claim 1, wherein said composition has a pH of at least about 6.0.
12. (Canceled) The composition of Claim 1, wherein said composition has a pH of at least about 7.0.
13. (Canceled) The composition of Claim 1, wherein said composition further comprises an enzymatic exfoliant.

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14. (Canceled) The composition of Claim 1, wherein said enzymatic exfoliant comprises papain.

15. (Canceled) The composition of Claim 1, wherein said non-aqueous carrier comprises glycerin.

16. (Canceled) The composition of Claim 1, wherein said L-ascorbic acid is micronized in oil.

17. (Canceled) The composition of Claim 16, wherein said oil may be derived from plant materials.

18. (Canceled) The composition of Claim 16, wherein said oil comprises capric/caprylic triglycerides.

19. (Canceled) The composition of Claim 2, wherein said L-ascorbic acid is prepared by a wet micronization process.

20. (Canceled) A method for preparing a topical L-ascorbic acid composition, comprising micronizing ascorbic acid powder in an oil, wherein the resultant composition comprises greater than approximately 25% L-ascorbic acid, by weight.

21. (Canceled) The method of Claim 20, wherein said oil may be derived from plant materials.

22. (Canceled) The method of Claim 20, wherein said oil comprises capric/caprylic triglycerides.

23. (Twice Amended) A method of providing one or more of the following treatments to a mammal in need of such treatment: UV protection, [removal and prevention] treatment of wrinkles, or stimulating collagen production in a mammal, said method comprising,

identifying a mammal in need of such treatment, and

topically applying to said mammal a composition comprising [greater than approximately 25%] at least 30% L-ascorbic acid, by weight, and a non-aqueous carrier, wherein the composition has a pH of greater than that of said mammal's skin.

24. The method of Claim 23, wherein said mammal is a human.

25. (Amended) The method of Claim 23, wherein, wherein said composition comprises [greater than 25%] at least 30% micronized L-ascorbic acid by weight.

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26. The method of Claim 23, wherein said L-ascorbic acid has a mean particle size of no greater than approximately 5  $\mu\text{m}$ .

27. The method of Claim 25, wherein said L-ascorbic acid has a mean particle size of no greater than approximately 2  $\mu\text{m}$ .

28. The method of Claim 25, wherein said L-ascorbic acid has a mean particle size between approximately 0.01  $\mu\text{m}$  and 1  $\mu\text{m}$ .

29. (Amended) The method of Claim 23, wherein said composition comprises greater than [30%] 35% ascorbic acid.

30. The method of Claim 23, wherein said composition comprises, by weight, more L-ascorbic acid than D-ascorbic acid.

31. The method of Claim 23, wherein said composition comprises, by weight, more L-ascorbic acid than ascorbic acid derivatives.

32. The method of Claim 23, wherein said composition is essentially free of D-ascorbic acid, and is essentially free of ascorbic acid derivatives.

33. The method of Claim 23, wherein said composition has a pH of at least about 5.5.

34. The method of Claim 23, wherein said composition has a pH of at least about 6.0.

35. The method of Claim 23, wherein said composition has a pH of at least about 7.0.

36. The method of Claim 23, wherein said composition further comprises an enzymatic exfoliant.

37. The method of Claim 36, wherein said enzymatic exfoliant comprises papain.

38. The method of Claim 23, wherein said non-aqueous carrier comprises glycerin.

39. The method of Claim 23, wherein said L-ascorbic acid is micronized in oil.

40. The method of Claim 39, wherein said oil may be derived from plant materials.

41. The method of Claim 39, wherein said oil comprises capric/caprylic triglycerides.

42. The method of Claim 25, wherein said L-ascorbic acid is prepared by a wet micronization process.

43. The method of Claim 23, wherein the composition is prepared by a method comprising micronizing ascorbic acid powder in an oil.

44. The method of Claim 43, wherein said oil is derived from plant materials.

45. The method of Claim 43, wherein said oil comprises capric/caprylic triglycerides.